

REMARKS

This Application has been carefully reviewed in light of the final Office Action mailed September 20, 2004 ("Office Action"). Applicant has amended Claims 1, 13, 14, and 20, and has canceled Claims 12 and 25-27. Applicant respectfully requests reconsideration and favorable action in this case.

Section 103 Rejections

Claims 1-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,271,752 to Vaivos ("*Vaivos*") in view of U.S. Patent No. 6,028,626 to Aviv ("*Aviv*").

In order to establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference, or the combination of references, must teach or suggest all of the claim limitations. See M.P.E.P. §2142.

Under this standard for determining obviousness, independent Claims 1, 15, and 20 (as well as the claims that depend from these claims) are patentable over the art of record because none of the references – alone or in combination – disclose, teach, or suggest each and every element of the above-identified claims.

For example, Independent Claim 1, as amended to include the limitation of canceled Claim 12, recites "processing the RFID data to generate a report for the subscriber." Neither *Vaivos* nor *Aviv* disclose at least this limitation. Furthermore, the Examiner has not provided (in either Office Action) any indication as to how this limitation is disclosed by either reference. For at least this reason, Applicant respectfully requests reconsideration and allowance of Claim 1, as well as the claims that depend from Claim 1.

In addition, dependent Claim 8 recites additional limitations not disclosed in either *Vaios* or *Aviv*. For example, Claim 8 recites “initiating a polling event in response to a specified event, the polling event operable to use the RFID system at the facility to poll an area of the facility to determine an inventory of tagged items within the area.” Again, the Examiner has not provided (in either Office Action) any indication as to how this limitation is disclosed by either reference. For at least this additional reason, Applicant respectfully requests reconsideration and allowance of Claim 8.

Furthermore, independent Claim 15, as amended, recites, “eliciting a radio response from a radio frequency identification (RFID) tag at an access door of a secure area,” “determining whether access by a wearer of the RFID tag to the secure area is authorized based on the radio response” and “controlling access to the door to provide access to the secure area by the wearer only if access by the wearer is authorized.” The Examiner indicates the following in the “Response to Arguments” section of the Office Action in regards to this claim: “[T]he examiner reminds the applicant that the RF-ID interrogation steps are present in *Aviv* col. 9, lines 60-67 and in col. 10, lines 1-12. The applicant is reminded that the result of the interrogation in *Aviv* will give access to the authorized individual as is required for anyone accessing the remote surveillance system disclosed in *Vaios* (See *Vaios* col. 4, lines 5-14 and lines 61-65).” Despite these statements, neither *Vaios* nor *Aviv* disclose controlling access to anything, much less a door of a secure area, based on a radio response from an RF-ID tag. Furthermore, although *Vaios* may disclose providing remote *computer* access to the *security surveillance system* disclosed in that reference, it does not disclose controlling *physical* access by a wearer of an RF-ID tag to a *door of a secure area*. Furthermore, there is simply no suggestion to combine the use of RF-ID tags disclosed in *Aviv* to control access to anything, much less a door of a secure area. For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claim 15, as well as the claims that depend from Claim 15.

Independent Claim 20 recites, “determining whether the RFID action corresponds to a pre-defined alert condition.” As Applicant noted in its previous Response, the first Office Action failed to cite any passage of *Aviv* or *Vaios* for the teaching of this limitation. The final

Office Action still does not provide an indication of where this limitation is taught. Furthermore, Claim 20 has been amended to recite “obtaining a video image associated with the RFID action *only* if the RFID action corresponds to a pre-defined alert condition.” Neither *Aviv* nor *Vaios* disclose such a limitation. Accordingly, Applicant respectfully requests reconsideration and allowance of Claim 20, as well as those claims that depend from Claim 20.

Applicant has canceled Claims 25-27. Therefore, the rejection of these claims is now moot.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all the pending claims.

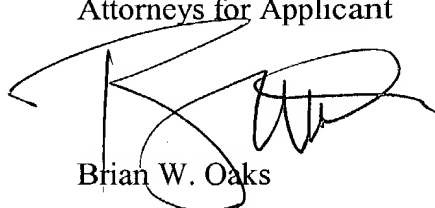
If the present application is not allowed and/or if one or more of the rejections is maintained, Applicant hereby requests a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Although Applicant believes no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'Brian W. Oaks', is written over the printed name.

Brian W. Oaks

Reg. No. 44,981

Date: November 17, 2004

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